

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 1, 1973  
10:00 A. M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen  
Lebermann, Friedman, Handcox, Mayor Butler

Absent: None

The Invocation was delivered by REVEREND CLARENCE M. WALTON, Trinity  
United Methodist Church.

RECOGNITIONS

Mayor Butler read a resolution congratulating and expressing appreciation  
to Mr. Hilding F. "Andy" Anderson, who is retiring after 48 years of excellent  
service to the City.

The Mayor read a document officially thanking Mr. Bill Hergotz for his 48  
years of fine service to the City of Austin, and congratulating him on his  
retirement.

A resolution was read by Councilman Dryden honoring Lt. Merle E. Wells  
on his 31 years of devotion to duty and calling on all citizens to recognize  
his outstanding record of service.

Chief Miles stated that Mr. Merle Wells had been one of the most loyal  
and devoted policemen in the department, and added that he was grateful for  
Merle for this recognition. The Police Chief accepted the resolution as Mr.  
Wells was ill and could not be present.

## PROCLAMATIONS

Mayor Butler read a proclamation designating February 11-17 as "Crime Prevention Week" in Austin, and presented the document to Messrs. John Sheffield, Ewald Bunge, Don Herrald, Waymon Sol, and Marshall Killingsworth as representatives of the Exchange Clubs in Austin.

Councilman Friedman read a proclamation designating the week of February 16-24 as "Engineers' Week" in the City of Austin, and urged all residents to join the Council in recognizing these outstanding men and women who are helping us to achieve a better environment through technology.

Mayor Pro Tem Love read the document proclaiming February 4-10 as "National OEA Week" and called attention to the work this office is doing. It was presented to Tracy Shaffer, Nancy Lewis, Rachel Perez, Gail Hammond, Ham Smith, Tony Hippolito, and Charles Lyda, who represented this organization.

## ANNEXATION HEARING RESET

The Council had before it consideration of resetting a public hearing on annexing the following:

11.29 acres of land out of the Santiago Del Valle Grant -  
portion of BERGSTROM DOWNS NO. 1. (Requested by owner)

20.49 acres of land out of the John Applegait Survey -  
proposed WINDSOR HILLS, SECTION SEVEN. (Requested by  
owner's representative)

1059.92 acres of land out of John Applegait and Willis  
Avery Surveys. (initiated by City of Austin)

Mrs. Joe Sconci announced that the group had met and had asked that this hearing be reset for the night meeting so that those who work could attend. This group is in opposition to this annexation. It was reported it would be about six weeks before another night session would be held. Mrs. Sconci stated their opposition was based on the basis that the area is sparsely populated according to the land.

Mayor Butler stated this hearing could be held at noon if this would be convenient. Councilman Nichols moved the Council set the hearing for 11:45 A.M., February 15th. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

## CODE AMENDMENT - MOBILE RETAIL GROCERS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 12 OF THE CODE OF THE CITY OF AUSTIN, 1967; MAKING THE PROVISIONS THEREOF APPLICABLE TO PERSONS SELLING FOOD FROM PUSHCARTS; PROVIDING FOR A LICENSE AND INSPECTION FEE FOR PERSONS SELLING FOOD FROM PUSHCARTS; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Dryden, Nichols, Mayor Pro Tem Love  
Noes: None  
Not in Council Chamber when Roll was called: Mayor Butler, Councilman Lebermann

The Mayor Pro Tem announced that the ordinance had been finally passed.

## CONTRACTS AWARDED

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

LIBRARY BINDING COMPANY - Hardbinding for Paperback Books Supply  
(Waco, Texas) Agreement - \$8,000.00.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Dryden, Nichols  
Noes: None  
Not in Council Chamber when Roll was called: Mayor Butler

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

AUSTIN WHITE LIME CO. - 9,000 tons of Quicklime - \$145,800.00.  
(Austin, Texas)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Dryden, Nichols  
Noes: None  
Not in Council Chamber when Roll was called: Mayor Butler

Councilman Nichols moved the Council adopt resolutions awarding the following contracts:

Miscellaneous Electric Utility Items:

TECHLINE, INC. - \$4,327.98  
(Austin, Texas)

PRIESTER MELL CO. INC. - \$2,812.08.  
(Austin, Texas)

CONSOLIDATED ELECTRICAL - \$ 717.24.  
DISTRICUTORS  
(Austin, Texas)

GRAYBAR ELECTRIC CO. - \$ 433.08  
(Austin, Texas)

SOUTHWAY ELECTRIC - \$1,518.48  
UTILITY SERVICE, INC.  
(Austin, Texas)

GIBBONS ELECTRIC CO. - \$ 712.80  
R. D. Erb Co., Agent  
(San Antonio, Texas)

METAL GOODS DIVISION - \$8,542.10.  
OF ALCAN ALUMINUM CORP.  
(Houston, Texas)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Dryden, Nichols

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

STEWART AND STEVENSON - Diesel Engine Generator - \$8,528.00.  
SERVICE, INC.  
(San Antonio, Texas)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Dryden, Nichols

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

AUSTIN METER SERVICES, INC. - Transducer Panes1 - \$8,775.26.  
(Austin, Texas)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Dryden, Nichols

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

PRIESTER MELL COMPANY  
(Austin, Texas)

- Station Post Insulators - \$11,053.02.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Dryden, Nichols

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

COASTAL STATES MARKETING,  
INC. (Emergency Fuel Oil Purchases)  
(Houston, Texas)

- 420,000 minimum up to 840,000 gallons of  
No. 5 Fuel Oil @ \$.13157/gal. subject to  
crude oil escalation.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Dryden, Nichols

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

The following contract was discussed:

J. C. EVANS  
(Austin, Texas)

- Pleasant Valley Road Softball Field  
(Capital Improvements Program Project  
No. 8643 0).

City Manager Davidson stated that regarding the bids for this project, he was distributing a report to the Council explaining a complex situation which arose, and suggested delineating two or three alternatives that the Council has at this time. Councilman Nichols had moved that the contract be awarded to J. C. Evans as shown above, and he amended his motion to exclude this contract until the Council could have an opportunity to read his report.

Later in the meeting, City Manager Davidson referred to the item of the Pleasant Valley Road Softball Field, stating there was a request from the Austin Softball Association for two softball complexes, made about a year ago, that this be placed in the C.I.P. for standard facilities for tournament play, as well as for regular play. A Federal Grant was obtained to pay for half the cost. Now, due to increase in cost, the City Manager set forth some alternatives, one being the award of this contract, which would mean that all of the money allocated for softball in the C.I.P. would be spent at this one location, for a quality, first-class facility to serve softball in Austin. It would be necessary to come back to the Council with new estimates as to how much would have to be added to the C.I.P. for the Walnut Creek location.

The second alternative would be to delay this project, redesign the plans and specifications, and reduce the cost so that one or two fields at the Walnut Creek site might be realized.

Councilman Handcox noted the population of the Walnut Creek Site in that the usability of it could come later. He favored proceeding with the first site and having a complete first class facility; then adding to the Walnut Creek site at a later date. Councilman Nichols agreed, as did Councilman Dryden, who foresaw a possible increase of cost of construction if delayed, and there would be a lesser facility at higher cost.

Councilman Nichols moved the Council award the contract to the apparent low bidder, J. C. EVANS, at the total base bid of \$486,577.92, as recommended by the Parks and Recreation Department and the Fire Department. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Dryden, Nichols, Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

City Manager Davidson stated this project is going to be a real first in Austin; and after the facility is completed, there will be paving, curbs, parking, and landscaping. An automatic irrigation system is to be installed to keep the grass nice the year round.

#### EASEMENTS RELEASED

Councilman Nichols moved the Council adopt a resolution authorizing the release of the following easement:

Public utilities easement out of SHOAL CREEK NORTH.  
(Easement was retained when that certain cul-de-sac of Shoal Creek Boulevard was vacated by Ordinance No. 720601-K.)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Dryden, Nichols, Mayor Pro Tem Love

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

Councilman Nichols moved the Council adopt a resolution authorizing the release of the following easement:

Two (2) portions of existing drainage and public utilities easements retained when portions of MAYWOOD AVENUE and WARREN STREET were vacated (Ordinance No. 680620-I)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Dryden, Nichols, Mayor Pro Tem Love

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

## GRANT APPLICATION AUTHORIZED

Councilman Nichols moved the Council authorize the City of Austin to submit a grant application to the Bureau of Outdoor Recreation for recreation facilities improvements in the Model Neighborhood area for a total cost of \$235,292. Bureau of Outdoor recreation share is \$117,646; City of Austin (Model Cities) share is \$117,646. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Dryden, Nichols, Mayor Pro Tem Love

Noes: None

Not in Council Room when Roll was called: Mayor Butler

## ITEMS REMOVED FROM AGENDA

The Council removed the following items from the agenda:

1. Accepting a deed for a portion of land at Murchison Junior High School for the City of Austin to construct a neighborhood swimming pool.
2. Accepting policies governing the pool operation at Murchison Junior High School.

## DEVELOPMENT PLAN AMENDMENT HEARING SET

Councilman Nichols moved the Council adopt a resolution setting a public hearing to consider an amendment to the Austin Development Plan approved June, 1961, on February 15, at 10:00 A. M.:

approximately 310 acres of land located in southeast Austin south of Bergstrom Air Force Base between Onion Creek and F. M. 812, east of U. S. Highway 183 - from undesignated to Planned Development Area - requested by Public Works Department of the City of Austin to enlarge the existing landfill operations located in southeast Austin - C2-72-1(p).

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilman Lebermann

Noes: None

## ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) LOTS 55, 56 AND 57, ST. ELMO HEIGHTS ADDITION, SECTION 1, LOCALLY KNOWN AS 613-623 INDUSTRIAL BOULEVARD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,  
 (2) LOT A, CENTEX SOUTH, LOCALLY KNOWN AS 817-819 EAST ST. ELMO ROAD; THE REAR OF 801-815 EAST ST. ELMO ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT;  
 ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Handcox, Mayor Butler, Councilman Dryden  
 Noes: None  
 Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) LOT 4, DISCOVERY PROPERTIES LTD. ADDITION, SAVE AND EXCEPT THE SOUTH ONE HUNDRED (100) FEET, LOCALLY KNOWN AS 3301-3303 NORTHLAND DRIVE, FROM FIRST HEIGHT AND AREA DISTRICT TO SECOND HEIGHT AND AREA DISTRICT; AND,  
 (2) LOT 1, THE A. I. DOW ADDITION, LOCALLY KNOWN AS 3903 SEIDERS AVENUE; 1509 WEST 39½ STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT;  
 ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Handcox, Mayor Butler, Councilman Dryden  
 Noes: None  
 Not in Council Chamber when Roll was called: Councilman Friedman  
 The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
 LOTS 1 AND 2, BLOCK F, NORTHVALE, SECTION THREE, LOCALLY KNOWN AS 5415 AND 5417 HARMON AVENE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed

#### LICENSE AGREEMENT

Councilman Nichols moved the Council adopt a resolution granting a license agreement for use of the following:

W. R. COLEMAN - proposed encroachment across a Waste Water Easement located at Lots 17, 20, 25, 27, and 28, Woodstone Square.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Dryden, Nichols, Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber when Roll was called : Mayor Butler

#### AFFILIATION AGREEMENT

Councilman Dryden moved the Council adopt a resolution authorizing an Affiliation Agreement between the City of Austin for Brackenridge Hospital, and the Board of Regents of the University of Texas System, for and on behalf of the College of Pharmacy of the University of Texas at Austin. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Handcox, Dryden, Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

#### PROFESSIONAL CONSULTANT

Councilman Nichols moved the Council select ALAN G. ABBE as Professional Consultant to provide engineering services in connection with the following 1973 Capital Improvements Program Project:

Nuckles Crossing Road Water Main - Chunn Road to St. Elmo Road - Project No. 4080 0.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

## FAIR MARKET VALUE ESTABLISHED

Councilman Nichols moved the Council adopt a resolution establishing the fair market value of property to be acquired for Library and Educational Resource Center:

1103-1105 East 1st Street

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Dryden, Nichols

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

## TASK FORCE RECOMMENDATIONS - GOLF

Mr. Jim Rogers, member of the recreational Task Force, noted the need of a place to play golf, stating Austin was behind in the National averages of 18 hole golf courses. With the opening of the Jimmy Clay Course, the loss of Municipal, plus 13,000 increase in population Austin would fall farther behind. Mayor Butler pointed out plans for a golf course at Williamson Creek and at a site at Decker within the five year period.

Mr. Rogers submitted a recommendation prepared by the Recreation Task Force with the aid of the Golfing Associations and the golfing citizens in Austin as follows:

- (1) That the golf program for the City be given a separate and distinct identity by creating a new division of golf within the Parks and Recreation Department or a new Department of Golf separate from Parks and Recreation;
- (2) A director of golf be appointed either by the City Manager or the Parks and Recreation Department depending on the location of the new department;
- (3) That the Department of Golf collect golf revenue and operate from golf revenue;
- (4) That the Department of Golf plan new facilities and plan improvement to current and future facilities;
- (5) That the Department of Golf establish policy on course operation and course maintenance;
- (6) Finally, that the Department of Golf establish a method of finance whereby all future facilities, improvements, purchases, capital outlay, and so forth, will be financed from golf income and that future bond issues be retired from golf income.

Members of the Council discussed the fee structures under such a program; also a discussion ensued on the Jimmy Clay Course.

Mayor Pro Tem Love stated he did not know how much income had been derived from the golfers that goes into the Parks and Recreation Fund.

City Manager Davidson stated their intent is that now there is no way to reflect or to utilize the golf revenues now or in the future even for improvements that are placed on the land. He stated if as a start, land like Decker, which is City-owned, were taken and this devise be used as a better means to finance the improvement; and this might be proven successful and if the special accounts were set up, then it would be financially feasible to take the next step to see whether or not the City could afford the next course.

Councilman Handcox mentioned the nine-hole concept, stating, however, this would be figured into the overall golf program.

Councilman Dryden brought up the matter of "Muni" Golf course, asking if the Council would be out of line should it discuss this matter with the Board of Regents.

Councilman Handcox, concurring with Councilman Dryden, stated perhaps next year they should put a little higher priority over this item.

Councilman Dryden stated he would recommend pursuing a trade of the Hancock Tract for the Muni tract which the City has been using. Councilman Lebermann agreed.

The City Manager gave a resume of the discussion between him and Mr. Rogers, in that he could not recommend that a separate department be created, but much of what Mr. Rogers had proposed could be accomplished, if a division within the Parks Department could be upgraded and the separate fund be created which would give the Council an opportunity to see how the revenues are balanced with expenditures; and at this time they are beginning to work toward the new budget. Mayor Pro Tem Love suggested these should be done. Mayor Butler stated all were in agreement. It appeared to be the concensus of the Council that this route was favorable.

#### NAMING OF SOFTBALL COMPLEXES

Mr. Jim Overcash, President of the Austin Softball Association, appeared before the Council to thank them for the monies allocated to these complexes, and to make recommendations on naming them as shown below:

Pleasant Valley Complex - Monroe E. "Lefty" Craig

Walnut Creek Complex - Robert E. "Bob" Havens

and gave a brief resume of the two men's achievements in softball.

Mayor Pro Tem Love recommended that the Council accept the recommendations deliverate over them, and take action on them at a time in the future.

Mr. Overcash was thanked for his participation in this matter.

## ORDINANCE AMENDED

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 730104-B, BY DELETING THE FOLLOWING WORDING FROM THE CAPTION THEREOF: "RETAINING ANY AND ALL EASEMENTS IN THE CITY" ; DELETING THE FOLLOWING CLAUSE FROM THE PREAMBLE AND SECTION 1: "SAVE and EXCEPT for any and all easements to be retained in the City in, upon and across the entire alley area to be vacated, described below"; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Handcox, Mayor Butler,  
Councilman Dryden

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman, Mayor  
Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

## DEDICATION OF STRIP OF LAND

Councilman Nichols moved the Council adopt a resolution dedicating a strip of land reserved for street right-of-way at time of sale of the adjacent tract. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen Lebermann,  
Friedman, Handcox, Dryden

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

## NORTH AUSTIN CIVIC ASSOCIATION

Mayor Butler opened the afternoon meeting, calling on Mrs. Marian Waters, P.T.A. Wooldridge School, represented Mrs. Theil who was unable to attend. Mrs. Water's presentation concerned a District Park in an area which was growing rapidly. She mentioned the North Austin Civic Association with a membership of 400; and the P.T.A. with 660 members. She stated the children are pinned by 183, Lamar, and IH 35. Industrial development seems to be more intense. The newest pool, Northwest Pool, is the smallest of its type, but draws the highest percentage of people using the pool of any in the City. Mrs. Waters emphasized the need for a district park, and mentioned they are having problems with vandalism.

She called attention to the Wooldridge site, for which equipment had been purchased. She stressed that the request did not call for three parks, but one district park. They asked for improvement of the softball field and provisions for tennis courts to be considered. She asked that the City take the site NPC had agreed to provide the North Austin Civic Association. The area has the original trees. Mrs. Breyfogle pointed out an eight acre tract which was for sale and an area of the Settlement Club of about two acres.

The City Manager stated he would have a report prepared for the Council based on this presentation in about 30 days.

Mrs. Breyfogle was satisfied on the 30-day provision for the report.

Mayor Butler thanked the speakers for this presentation.

#### CONSIDERATION OF TELEPHONE ORDINANCE

The City Attorney, Don Butler, explained that the City ordinance set forth the rate schedules which have been recommended before, with some slight changes in the ordinance, taking out some of the detailed reporting requirements; however, this is basically to obtain the same information as before. The phone company would not be required to report in a particular manner, but just to tell the Council how they did report it.

Mr. Frank Denius, representing Southwestern Bell, stated that the ordinance as written would not yield a 9.5% increase on revenues based on 1970. He submitted an alternative proposal, with a rate schedule that he had figures, different from the one the City had been talking about, which would produce between \$1,700,000 and \$1,800,000, which is the 9.5% increase on gross revenues from 1970. This had been revised to lower the business rates or the basic rates and add to the miscellaneous charges approximately 9.5%. This would produce \$1,599,776.00. The additional revenue to bring that up to the \$1,700,000 plus level would be put on miscellaneous rating. He said this was in accordance with the rate-making theory observed throughout the state. The next provision was to file within 30 days after effective date of the ordinance, the telephone company's tariff rates, with rates and charges for the new service filed from time to time as amendments. Such rates and charges would become effective 30 days after filing, unless otherwise ordered by the City Council.

The annual report filed for the Council would cover 4 items: All revenues and expenses in accordance with a uniform system of accounts prescribed by the Federal Communications Commission; operating results of the Austin metropolitan area; the Company's calculation of the fair value of its properties used and useful for service to the metropolitan area of Austin (further data shall include original cost less depreciation and replacement cost less observed conditions); and other information as required by the City Council.

As to acceptance of the ordinance by the telephone company, if they did accept it based on the 1970 figures, they would be back as soon as they were ready with 1972 figures, that would be a necessity. Mr. Denius suggested a time limit of 7 days for acceptance. Mayor Butler noted that a 9.5% increase on 1962 figures would give a higher figure than when applied to 1970 figures. Councilman Friedman pointed out that regulation of advertising in the Yellow Pages had been dropped as a concession by the Council. There was some discussion of the phone company's compilations. Mr. Denius could not accept the form of the proposed ordinance, because of the rate base of \$56,800,000. The City Attorney suggested that the phone company accept only the rates and the reporting with an exception of the rate base. Mr. Denius could accept the rates at this point.

Mr. Charles Babb, representing the Gulf Telephone Electronics Company, which is an interconnect company, pointed out that in 1969, the Federal Communications Commission declared there should be competition in the area of telephone equipment; and he felt that Southwestern Bell would rather not have

have the rates raised across the board so that they would have an advantage in competition. Mr. Babb suggested the Council adopt the proposed City ordinance. Mr. Denius stated the phone company could not accept 9.5% across the board; they could not accept that theory of rate making.

Mayor Butler introduced the following ordinance:

AN ORDINANCE DETERMINING THE FAIR VALUE RATE BASE OF SOUTHWESTERN BELL TELEPHONE COMPANY FOR THE AUSTIN EXCHANGE; DETERMINING A FAIR RATE OF RETURN THEREON; DETERMINING AND FIXING THE SCHEDULE OF RATES FOR BASIC SERVICES IN THE CITY OF AUSTIN, TEXAS; DETERMINING AND FIXING THE SCHEDULE OF RATES AND CHARGES FOR MISCELLANEOUS SERVICES AND ALL OTHER SERVICES EXCEPT ADVERTISING; PROVIDING A PROCEDURE FOR FILING COMPANY TARIFFS AND REQUIRING APPROVAL THEREOF; PRESCRIBING THE PROCEDURE AND CONTENTS OF A DETAILED ANNUAL REPORT; PROVIDING FOR COUNCIL REVIEW OF ANY DATA BASED ON A PARTICULAR TEST YEAR; AND REQUIRING ACCEPTANCE OF THE RATES PRESCRIBED HEREIN BY SOUTHWESTERN BELL TELEPHONE COMPANY.

Councilman Friedman moved the Council pass the ordinance through its first reading. The motion, seconded by Councilman Nichols, carried by the following vote: ( Councilman Nichols asked that the City Attorney stipulate what he has agreed to do. Mr. Don Butler said in Part 9, that the phone company will have to file an acceptance on only the rates and the reporting provisions, not the rate base.)

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,  
Mayor Butler  
Noes: Mayor Pro Tem Love

The Mayor announced that the ordinance had been passed to its second reading. It was noted that this ordinance would go into effect 10 days after the third reading. The ordinance will come back to the Council for second reading February 8, and for the third reading February 15. Mr. Denius noted that he would report to his client and advise the Mayor and City Manager of the company's position.

#### SPECIAL RECOGNITION

The Distinguished Service Award was presented Mr. Weldon Stimson for his service to his fellow citizens, both in the San Marcos Flood, and in helping many stranded motorists during the recent ice storms. He was congratulated and thanked by the Council for his example as a citizen.

#### HEARING - VACATION OF STREETS & ALLEYS

At the prescribed time, Mayor Butler opened the hearing on vacating certain streets and alleys in the Urban Renewal Plan for Brackenridge Area - Tex A-11-1.

The Mayor offered an opportunity for any interested citizens to be heard. No one from the audience appeared to speak to this item.

Councilman Dryden noted this area under consideration was not in the hospital complex. Mr. Lurie, Director of Urban Renewal Agency, explained the majority of the streets was outside of the hospital area; however, there are some areas which would spill over into this area; for instance, between Neches

and Red River on 13th Street, there is a small area. When Red River extends west, that area would become a part of the Hospital complex. Councilman Dryden noted that Sabine Street was not included in this program, but would be considered later in the month.

Detailed and lengthy discussion was held on the quality and standard of paving as to concrete, asphalt, or gravel.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF NECHES STREET, EAST 18TH STREET, EAST 17TH STREET, EAST 14TH STREET, EAST 13TH STREET, EAST 17TH STREET ALLEY, EAST 16TH STREET ALLEY, EAST 14TH STREET ALLEY, EAST 13TH STREET ALLEY, AND EAST 12TH STREET ALLEY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING EASEMENTS IN THE CITY FOR DRAINAGE AND PUBLIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Dryden

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been finally passed.

#### COMMUNITY ACTION PROGRAM

Councilman Nichols moved the Council approve the authority as requested under the Community Action Program as follows: (these are in the form of resolutions)

1. The City Manager to enter into transfer agreements for the following grants:

Office of Economic Opportunity - #611911-01,05,47,76  
Office of Economic Opportunity - #6234-55  
Office of Economic Opportunity - #6172-86  
Office of Economic Opportunity - #61191-57  
Department of Labor - 3058-48  
Department of Labor - 3096-48  
ACTION - Vista Volunteers.  
Department of Health, Education and Welfare - H-0456.  
City of Austin: Model Cities Department - 10400  
City of Austin: Model Cities Department - 22500

2. The City Manager to enter into transfer agreements for leases necessary for the operation of the Community Action Program.

3. The City Manager to enter into transfer agreements for the following delegated projects:

Mobilization of Resources, operated by the Austin Local Development Corporation;  
Legal Services, operated by the Legal Aid and Defender Society of Austin and Travis County;  
Family Planning, operated by the Planned Parenthood Center of Austin;  
Meals-on-Wheels, operated by United Action for the Elderly;  
Clarksville Bakery, operated by the Concerned Citizens of West Austin;  
Clarksville Fast Foods, operated by the Concerned Citizens of West Austin.

4. The City Manager to execute a transfer agreement for the transfer of the Delivery of Educational Services Project administered by St. Edwards University and Huston-Tillotson College.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro Tem Love,  
Councilmen Lebermann, Friedman, Handcox  
Noes: None

Councilman Friedman made the statement that although he voted against the motion in July, he would vote "yes" now, as they must make certain that the people receive benefits of this program under any form, and he would vote "yes", but not withdraw his basic opposition.

Councilman Nichols asked the City Manager to check the lease summary, as it appears too much money is being spent for those leases. City Manager Davidson pointed out the decision made by the Council on July 20th, 1972, will officially become effective with the Council's action this morning on these items. The transition and plan has been approved by O.E.O., a newly constituted board which the Council appointed, held its first meeting on January 22, and effective the coming Monday, the employees who work for H.O.C. will become employees of the City of Austin -- 300-320 employees. Beginning immediately based on the assumption of the program by the City, each and every lease agreement program, etc., will be carefully analyzed to make certain the commitments are carried out as set out by the Council that this benefit the poor in the most economical and efficient way possible. There will be a new sign on the Building, and this sign will denote that that is the City of Austin Municipal Department, and he wanted the Council to be assured that they are ready to proceed.

Mrs. Beatty is not a candidate to become director of that Department. She will serve as Acting Director until this can be worked out.

City Manager Davidson reported the Council would be gratified to know about the recent cooperation that they are getting from citizens who have been involved in this program, and the employees within what is now called "H.O.C." and enthusiasm exhibited by the new Board Members which were designated by the City Council.

#### CODE AMENDMENTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 41-41 OF THE AUSTIN CITY CODE OF 1967, BY DELETING CERTAIN PROVISIONS THEREIN SPECIFYING THE TYPE OF CONSTRUCTION TO BE USED AND

SUBSTITUTING SPECIFICATIONS FILED WITH THE DIRECTOR OF PUBLIC WORKS AND THE CITY CLERK, AND APPROVED BY THE CITY COUNCIL; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The Council reviewed these amendments with the Director of Public Works, noting the commercial alleys would be concrete. Comparing concrete alleys with the street paving, City Manager Davidson stated this proposal was for the light duty or residential alleys where the concern centered. Many cities have changed their standards identically as the proposal appears today and they retain the concrete alleys in commercial areas.

Discussion was held with Mr. Reuben Rountree, Director of Public Works, on materials for alleys. Mr. Rountree reported that asphaltic alleys wear out faster and need more maintenance in low traffic areas than on streets. The more traffic the longer the asphalt will last. City Engineer Charles Graves added alleys, because of their narrow width gave way to wheel paths which cause the most detrimental feature on flexible base pavements -- not the asphalt but the flexible base. Mayor Butler noted some citizens could not pave with the Code type of concrete, but they could if asphalt were used.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilman Friedman, Mayor Butler,  
Councilmen Dryden, Nichols

Noes: None

Not in Council Chamber when Roll Was called: Councilmen Lebermann, Handcox  
The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967 BY ADDING THERETO A NEW ARTICLE ENTITLED "EXISTING ALLEYS" AND A NEW SECTION ENTITLED "PAVING OF EXISTING ALLEYS" PROVIDING THAT THE PAVING OF EXISTING ALLEYS BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS APPLICABLE TO THE PAVING OF ALLEYS IN AN URBAN SUBDIVISION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilman Friedman, Mayor Butler,  
Councilmen Dryden, Nichols

Noes: None

Not in Council Chamber when Roll was called: Councilmen Lebermann, Handcox

The Mayor announced that the ordinance had been finally passed.

#### STREET VENDORS

Inquiry from Mr. Dale Watkins concerned vending on sidewalks as long as vendors carried their wares in hand. He was informed if he were in the market area, he would need to have a license. Mr. Watkins alleged he was told he could not sell on the Drag, and that he would need a vending permit and

would need to move to move to 23rd Street. The City Attorney stated the City Manager would send a notice to the Police Department.

Mr. Richard Hamner, "Friends of the Vendors", wanted to clarify a point in the initiative petition, in that the only objection seemed to be that the petition is without a caption and not in the form of an ordinance. The Mayor told Mr. Hamner he would have the opportunity if the form is not in order, to get it in order, and that he would have an opportunity for the citizens of Austin to tell him how they feel about this cause. Mr. Hamner brought up several items in which he was interested and discussed each with the Mayor.

Mr. George Olivarri was referred to Assistant City Attorney, Jerry Harris, for answers to his inquiries about the initiative petition and its form. Mayor Butler stated that Mr. Olivarri would have ample time to perfect the petition if necessary before the General Election. At this point, Mayor Pro Tem Love stated the 72 hour embargo should be envoked, and let the citizens get on the agenda officially. Mr. Olivarri's emergency was that he had just found out about a possibility that the referendum might not be placed on the ballot. Mayor Butler referred him to the City Attorney's office.

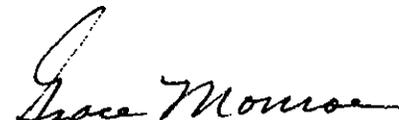
## ADJOURNMENT

The Council then adjourned.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk